SUPREME COURT OF THE UNITED STATES.

No. 66.

JOHN D. DEBERRY, PLAINTIFF IN ERROR,

vs.

JOEL BUGG.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR WEST TENNESSEE.

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S. D. Langtree, Print.

THE UNITED STATES, *ss.*

The President of the United States to the Judge of the District Court of the United States for the District of West Tennessee, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea, which in the said district circuit court, before you between Joel Bugg, plaintiff, and John D. Deberry, defendant, a manifest error hath happened to the great damage of the said John D. Deberry, as by his complaint appears; we being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, we command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, on the first Monday of January next, in the said Supreme Court, to be then and there held, that the record and proceedings aforesaid, being inspected by the said Supreme Court, may cause further to be done therein to correct that error, what of right and according to the law and custom of the United States, should be done.

Witness the Hon. Roger B. Taney, Chief Justice of the said Supreme Court, first Monday of August in the year of our Lord, one thousand eight hundred and forty, and of the Independence of the United States the sixty-fifth.

JAMES L. TALBOT,
Clerk of the District Court of the U. S. for the District of West Tennessee.

Filed 1st September, 1840, in the clerk's office of the district court of West Tennessee.

JAMES L. TALBOT,
Clk. of said Court.

THE UNITED STATES,
Eighth Circuit, District of West Tennessee.

To Joel Bugg, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be held at Washington on

the second Monday in January next, pursuant to a writ of error filed in the clerk's office of the district court of the United States for the eight circuit in the district of West Tennessee, wherein John D. Deberry is plaintiff in error, and Joel Bugg is defendant, to shew cause, if any there be, why the judgment rendered against the said John D. Deberry, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Morgan W. Brown, judge of the district courts of Tennessee, this eleventh day of November, A. D. 1840, and sixty-fifth year of American Independence.

MORGAN W. BROWN.

MADISON COUNTY, *ss.*

On this day of November, in the year of our Lord, one thousand eight hundred and forty, personally appeared before me and being duly sworn, deposeth and saith that on the day of November, he delivered a true copy of the above citation to Joel Bugg.

SPRING CREEK, MADISON CO., TENNESSEE,
November 19, 1840.

I acknowledge the service of a true copy of the above citation.

JOEL BUGG.

UNITED STATES OF AMERICA.

Pleas at a District Court of the United States begun and held at the court house in the town of Jackson, for the district of West Tennessee, on the first Monday of April, in the year of our Lord one thousand eight hundred and forty; present and presiding the Hon. Morgan W. Brown, Judge of the District Courts of Tennessee.

Be it remembered that on the 24th day of February, 1840, Joel Bugg sued out of the clerk's office of said court a summons, in the following words and figures, to wit:

Writ.

The President of the United States of America to the Marshal of the District of West Tennessee, greeting:

You are hereby commanded to summon John D. Deberry, a citizen of the State of Tennessee, if to be found within your district, to appear before the judge of the district court of the United States, in the eighth circuit, for the district of West Tennessee, at Jackson, on the first Monday in April next, and then and there to answer

Joel Bugg, a citizen of the State of Indiana, in a plea that he render unto him the sum of twenty-one hundred and forty-two dollars and eighty-five cents, which to him he owes, and from him unjustly detains, to his damage six hundred dollars. Herein fail not, and have then and there this writ.

Witness, Morgan W. Brown, judge of the district courts of [L. S.] Tennessee, this first Monday in October, in the year 1839, and of the Independence of the United States the sixty-fourth.

JAS. L. TALBOT,
Clerk of said Court.

Bond.

Know all men by these presents, that I, Samuel McClannahan, am held and firmly bound unto John D. Deberry, in the sum of two hundred dollars, to be void on condition that Joel Bugg doth pay and satisfy all costs that may accrue in this behalf in the prosecution of a suit this day commenced by him in the district court of the United States for the district of West Tennessee, at Jackson, against the said John D. Deberry, on failure of the plaintiff to prosecute his said suit with effect.

Witness my hand and seal, this 24th day of February, 1840.

SAML. McCLANNAHAN. [L. S.]

Returns.

Upon which writ are the following endorsements, to wit:

"Issued 24th February, 1840.
Came to hand same day issued.

ROBT. I. CHESTER,
Mar. W. Tenn."

"Moses Wood is authorized to execute this writ. Witness my hand and seal, this 25th February, 1840.

ROBT. I. CHESTER, [L. S.]
Marshall West Tennessee."

"Executed on John D. Deberry, and a copy of the declaration delivered at the same time, this 25th day of February, 1840.

MOSES WOOD, *Spl. D. M.*"

Declaration.

And at the time of the issuance of said writ, the plaintiff, by attorney, filed his declaration, as follows, to wit:

UNITED STATES OF AMERICA, *District of West Tennessee.*
District federal court, at Jackson, April Term, 1840.

Joel Bugg, a citizen of the State of Indiana, one of the United States of America, by attorney, complains of John D. Deberry, a citizen of the State of Tennessee, summoned by the marshall, &c., to answer said plaintiff in a plea that he render unto him the sum of twenty-one hundred and forty-two dollars and eighty-five cents, which to him he owes, and from him unjustly detains. For that, on the 7th day of September, 1833, at the State of Indiana aforesaid, to wit, at Jackson, in said district of West Tennessee aforesaid, the said defendant, by his certain writing obligatory, sealed with his seal, and now to the court here shown, the date whereof is the day and year last aforesaid, and signed by him, the defendant, under the description of J. D. Deberry, for value received, bound himself to pay to said plaintiff the sum of four hundred and twenty-eight dollars and 57 cents, on the 25th day of December, 1835—it being part of the sum of $2,142 85, first above demanded.

And for that, also, on the said 7th day of September, 1833, at, &c., aforesaid, the defendant, by his certain other writing, obligatory of the date last aforesaid, sealed with his seal, and by him signed, under the description of J. D. Deberry, and now to the court here shown, for value received, bound himself to pay to said plaintiff the further sum of four hundred and twenty-eight dollars and 57 cents, on the 25th day of December, 1836—it being also parcel of the said sum of $2,142 85, first above demanded.

And for that, also, on the said 7th day of September, 1833, at, &c. aforesaid, the said defendant, by his certain other writing obligatory, of the date last aforesaid, sealed with his seal, and by him signed, under the description of J. D. Deberry, and now to the court here shown, for value received, bound himself to pay said plaintiff the further sum of four hundred and twenty-eight dollars and 57 cents, on the 25th day of December, 1837—it being likewise parcel of the said sum of $2,142 85, first above demanded.

And for that, on the said 7th day of September, 1833, at, &c., aforesaid, the said defendant, by his certain other writing obligatory, of the date last aforesaid, sealed with his seal, and by him signed, under the description of J. D. Deberry, and now to the court here shown, for value received, bound himself to pay to said plaintiff the further sum of four hundred and twenty-eight dollars and 57 cents, on the 25th day of December, 1835—it being likewise parcel of the said sum of $2,142 85, first above demanded.

And for that, on the said 7th day of September, 1833, at, &c., aforesaid, the said defendant, by his certain other writing obligatory, of the date last aforesaid, sealed with his seal, and by him signed, under the description of J. D. Deberry, and to the court here shown, for value received, bound himself to pay to said plaintiff the further sum of four hundred and twenty-eight dollars and

57 cents, on the 25th day of December, 1839—it being likewise parcel and remainder of the said sum of $2,142 85, first above demanded.

Yet the said defendant has not paid to plaintiff the said sum of $2,142 85, or any part thereof, but to do so hath wholly failed and refused, though often requested, and still refuses to do so, to the damage of said plaintiff six hundred dollars; and, therefore, he sues by his attorney,

McCLANNAHAN.

Notes.

On the 25th of December, eighteen hundred and thirty-five, I promise to pay Joel Bugg the just sum of four hundred and twenty-eight dollars and 57 cents, it being for value received of him. In witness whereof I set my hand and seal, this the 7th day of September, 1833.

J. D. DEBERRY. [L. S.]

On the 25th December, eighteen hundred and thirty-six, I promise to pay to Joel Bugg, the just sum of four hundred and twenty-eight dollars and fifty-seven cents; it being for value received of him. In witness whereof I hereunto set my hand and seal, this the 7th day of September, 1833.

J. D. DEBERRY. [L. S.]

On the 25th of December, eighteen hundred and thirty-seven, I promise to pay to Joel Bugg the sum of four hundred and twenty-eight dollars and 57 cents; it being for value received of him. In witness whereof I set my hand and seal, this the 7th day of September, 1833.

J. D. DEBERRY. [L. S.]

On the 25th of December, eighteen hundred and thirty-eight, I promise to pay to Joel Bugg the just sum of four hundred and twenty-eight dollars and 57 cents; it being for value received of him. In witness whereof I hereunto set my hand and seal, this 7th September, 1833.

J. D. DEBERRY. [L. S.]

On the 25th December, eighteen hundred and thirty-nine, I promise to pay to Joel Bugg the just sum of four hundred and twenty-eight dollars and 57 cents; it being for value received of him. In witness whereof I hereunto set my hand and seal, this the 7th day of September, 1833.

J. D. DEBERRY. [L. S.]

And now, on this day, to wit, on Thursday, the fourth day of the term first before mentioned, the same being the 9th day of April, A. D. 1840, the following proceedings are of record herein to wit:

JOEL BUGG, Plaintiff,
vs.
JOHN D. DEBERRY, Defendant.

The plaintiff, by his attorney, appears, and a judgment by default having been entered in this cause on yesterday, and no motion having been made to have the same set aside, it is therefore considered by the court that said judgment by default be affirmed, and that the plaintiff recover of the defendant his debt of twenty-one hundred and forty-two dollars and eighty-five cents, ($2,142 85,) in the declaration mentioned; together with the further sum of two hundred and ninety-three dollars, (293,) his damages sustained by reason of the detention thereof, and his costs in this behalf expended.

Saturday, April 11th, 1840.

JOEL BUGG
vs.
JOHN D. DEBERRY.

The parties, by their attorneys, appear; and thereupon the defendant moves for a writ of error to the Supreme Court of the United States, to be held on the second Monday in January, 1841, at Washington; and upon his entering into bond with Allen Deberry, as his security, the same is granted.

This day John D. Deberry and Allen Deberry appeared in open court, and acknowledged the execution of a bond, by them executed, for the prosecution of a writ of error to the Supreme Court of the United States, to be held at Washington on the second Monday in January next, in the suit of Joel Bugg against John D. Deberry.

Know all men by these presents, that we, John D. Deberry and Allen Deberry, of the county of Madison, in the district of West Tennessee, are held and firmly bound unto Joel Bugg in the penal sum of four thousand eight hundred and seventy-two dollars; for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated this 10th day of April, 1840.

The condition of the above obligation is such, that whereas the above bound John D. Deberry has this day prayed and obtained a writ of error to the Supreme Court of the United States, to be held at Washington, on the second Monday in January, one thousand eight hundred and forty-one, from a judgment this day rendered, in

the district court of the United States for the district of West Tennessee, against said John D. Deberry, for twenty-four hundred and thirty-five dollars eighty-five cents, debts and damages, besides costs of suit, in a suit wherein the said Joel Bugg is plaintiff, and the said John D. Deberry is defendant. Now, if the said John D. Deberry shall prosecute his writ of error to effect, and answer all damages and costs, if he fail to make his plea good, then the above obligation to be null and void.

Signed JOHN D. DEBERRY, [L. S.]
A. DEBERRY. [L. S.]

Bill of Costs.

Judgment, April 9, 1840, - - - -		$2,435 85
Clerk's fees: Writ $1 87, copy of declaration $2, rule 32, judgment by default 32; judgment, final, $2 13; motion 50, affidavit 25, copy of costs 67, order of appeal 50, appeal bond $1; transcript of the record, containing 25 copy sheets, at 33 1-3 cents per sheet, $8 33; seal $1 - -	$18 89	
Marshal Chester, serving writ $2; serving a copy of the declaration $1; 16 miles travel, at 5 per mile, 80 - - - -	3 80	
McClannahan, attorney, tax fee - -	6 25	
	$28 94	
Writ of error and citation - - -	50	

UNITED STATES OF AMERICA,
District of West Tennessee, sct.

I, James L. Talbot, clerk of the district court of the United States for the district of West Tennessee, certify that the foregoing transcript contains a correct and complete and entire copy of the record in the cause of Joel Bugg against John D. Deberry, determined at the April term, 1840, of said court, as the same remains of record and file in the office of said court.

In testimony whereof I hereto place my hand and affix the seal of said court. Done at office, in the town of Jackson, this first day of September, in the year of our Lord one thousand eight hundred and forty, and sixty-fifth year of the Independence of the United States of North America.

JAS. L. TALBOT.